

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CENTRAL DIVISION

CIVIL ACTION NO.: 05 CV 40071-FDS

*****)
CHRISTIAN SCHWENK,)
Plaintiff)
)
v.)
)
AUBURN SPORTSPLEX, LLC, DENNIS)
NATOLI, JOHN NATOLI, and PETER)
NATOLI,)
Defendants)

MOTION TO SUBSTITUTE PARTY

Pursuant to Rule 25, Nancy Schwenk, Personal Representative of the Estate of Christian Schwenk, hereby moves that she be substituted as party plaintiff in the above matter, upon the grounds that Christian Schwenk died on March 25, 2007, and Nancy Schwenk has since been duly appointed Personal Representative of the Estate of Christian Schwenk by the Circuit Court for Palm Beach County, Florida, Probate Division, File Number 502007CP004181XXXXMB. Nancy Schwenk further moves that the pleadings be taken and treated as so amended as of the date of allowance of this motion.

Certified copy of Letters of Administration are attached hereto in support hereof.

s/ Douglas L. Fox
Douglas L. Fox, Esq
BBO#: 176380.
Shumway, Giguere & Fox, PC
19 Cedar Street
Worcester, MA 01609
(508) 756-2323

CERTIFICATE OF SERVICE

On this 27th day of September, 2007, I, Douglas L. Fox, Esquire, hereby certify that I served the within ***Motion to Substitute Parties*** upon the Defendants, by mailing a copy of the same, first-class mail, postage prepaid, to Defendants' Counsel of Record:

William J. Ritter, Esq.
Pojani, Hurley, Ritter & Salvidio, LLP
446 Main Street, 21st Floor
Worcester, MA 01608
Fax: (508) 797-9561

/S/ Douglas L. Fox
DOUGLAS L. FOX, ESQUIRE
BBO #176380

4010

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY,
FLORIDA

PROBATE DIVISION

IN RE: ESTATE OF

CHRISTIAN SCHWENK

Deceased.

File No.

50 20 0 7 CP 00 418 1 XXXX MB

Division Probate

LETTERS OF ADMINISTRATION
(single personal representative)

TO ALL WHOM IT MAY CONCERN

WHEREAS, Christian Schwenk, a resident of Palm Beach County, Florida, died on March 25, 2007, owning assets in the State of Florida, and

WHEREAS, Nancy Schwenk has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate,

NOW, THEREFORE, I, the undersigned circuit judge, declare Nancy Schwenk duly qualified under the laws of the State of Florida to act as personal representative of the estate of Christian Schwenk, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

ORDERED on Sept 6, 2007.

Karen Mortin
Karen Mortin
Circuit Judge



STATE OF FLORIDA • PALM BEACH COUNTY

I hereby certify that the foregoing is a true
copy as recorded in my office and the
same is in full force and effect.

THIS 11 DAY OF Sept, 2007

SHARON R. BOCK
CLERK & COMPTROLLER

By EM Smith
DEPUTY CLERK

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RECEIVED
CLERK OF COURT
PALM BEACH COUNTY
SEP 27 2007
11:00 AM

IN THE CIRCUIT COURT FOR PALM BEACH COUNTY FLORIDA

IN RE: ESTATE OF:

PROBATE DIVISION

CHRISTIAN SCHWENK

File Number 502007CP004181XXXXMB

Deceased

ORDER APPOINTING PERSONAL REPRESENTATIVE

(Intestate – single)

On the petition of Nancy Schwenk for administration of the estate of Christian Schwenk, deceased, the court finding that the decedent died on March 25, 2007 and that Nancy Schwenk is entitled to appointment as personal representative by reason of her relationship to the decedent as spouse .

ADJUDGED that Nancy Schwenk is appointed personal representative of the estate of the decedent, and that upon taking the prescribed oath, filing designation and acceptance of resident agent and entering into bond in the sum of Waived ~~x~~, letters of administration shall be issued.

ORDERED on this day 6 of September, 2007



Karen L. Martin
Circuit Judge

SIGNED & DATED

SEP - 6 2007

Judge Karen L. N.

~~x~~ Court retains right to require bond when assets are realized.

Judge Martin